

"Original"

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ AUG 16 2024 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Mohammed Keita

24-cv-05853-ENV-LB

Write the full name of each plaintiff.

CV

(Include case number if one has been assigned)

"Exhibits Attached"

-against-

State Farm Insurance,
Progressive Insurance,
Armando Berrios, Joseph F. Sullivan - Sullivan & Brill Esq.
POM Michael A. Mayerson, and SGT Thomas N. Garguilo

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

Do you want a jury trial?

Yes No

COMPLAINT

REC'D IN PR. SE OFFICE
AUG 21 2024 AM 10:57

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

"The Following Exhibits attached as follows:
"Exhibit A" Complaint against State Farm with NYS
"Exhibit B" State Farm Insurance Response to Complaint
"Exhibit C" Copy of Original check never cashed in Question.
"Exhibit D" Sullivan & Brill Esq. Legal Release Letter.
"Exhibit E" Attorney Grievance Committee Letter
Rev. 1/9/17
of Investigation against State Farm Insurance
Attorney.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

- Federal Question
- Diversity of Citizenship

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

Wrongful Neglect and Reckless driving Causing Bodily Injuries, Physical Loss, Economic Loss, Liabilities from Automobile Accident Caused by Armando Berrios with Liability determined to be at fault with failure to pay and misrepresentation and Capricious police report.

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, Mohammed Kaita, is a citizen of the State of
(Plaintiff's name)

New York

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

New York

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, State Farm Insurance, is a citizen of the State of
(Defendant's name)

A Z

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

A Z

If the defendant is a corporation:

The defendant, Progressive Insurance is incorporated under the laws of
the State of New York

and has its principal place of business in the State of New York

or is incorporated under the laws of (foreign state) New York

and has its principal place of business in New York.

If more than one defendant is named in the complaint, attach additional pages providing information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

Mohammed

First Name

Middle Initial

Kcita

Last Name

863 Father Capodanno Blk.

Street Address

Richmond, Staten Island, NY 10305

County, City

State

Zip Code

929-314-6915

Telephone Number

mohammedkcita87@gmail.com

Email Address (if available)

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:

State Farm Insurance

Current Job Title (or other identifying information)

P. O. Box 52250

Current Work Address (or other address where defendant may be served)

Phoenix, AZ 85072-2250

County, City

State

Zip Code

Defendant 2:

Progressive Insurance

Current Job Title (or other identifying information)

P. O. Box 22016

Current Work Address (or other address where defendant may be served)

Albany, NY 12201

County, City

State

Zip Code

Defendant 3:

Armando Berrios

First Name

Last Name

Driver of Acura 2022 at Fault

Current Job Title (or other identifying information)

36 Grandview Avenue

Current Work Address (or other address where defendant may be served)

Richmond, Staten Island, NY 10363

County, City

State

Zip Code

Defendant 4: Joseph F. Sullivan - Sullivan & Brill LLP
110 East 59th Street, 23rd flr., NY, NY 10022.

Defendant 5:

POM Michael A. Meyerson (Reporting Officer)
First Name Last Name
SGT Thomas N. Garguilo (Reviewing Officer)
Current Job Title (or other identifying information)
120 Precinct-78 Richmond Terrace
Current Work Address (or other address where defendant may be served)
Richmond, Staten Island, NY 10301
County, City State Zip Code

III. STATEMENT OF CLAIM

Place(s) of occurrence: Broadway Avenue, Staten Island,
(closed to YMCA)

Date(s) of occurrence: December 21st, 2022

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

Armando Barrios with reckless negligence while driving Acura plate # JAM 4840 cross-over a double yellow line with excessive speed of approximately two and half times legal speed limit heading into my lane hitting my Sahara Jeep Wrangler 2022 just purchased with severe forced caused damage to my car as a total lost and severe bodily injuries. The Acura flipped over with two additional passengers inside as a result. ^{Liabilities, Negligence, and All other fault established. Shaming Armando Barrios at fault. Copy of Capricious and misrepresentation of police report attached. My rights was breached under NYS VTL 1121. NYS VTL 1121 states of New York. State Farm Insurance failed to pay liability caused by their insured. And Progressive neglected and breached their responsibility by not handling case or claim in good faith. Joseph F. Sullivan was sent a non violated \$130k check to release as Non Recourse allowing me to send it back to State Farm Insurance for}

Re-issue since it was never Cash or Vioce or lifted or cancelled by state Farm Insurance. A response from NYS shows March 14, 2024 defendant agreed to re-issue with Sullivan and Brill, 410a release. Ar may do. Berrrios with neckers. Neglect for public safety, Neglected New York traffic law that caused me severe bodily injuries, economic losses, total lost, whiplash of Contingency liabilities for lien payment medical bill, with proposed surgery with permanent injuries, and more pain and suffering. Monica at Sullivan & Brill Esq. Called me to help in August 2024 and I have the voice mail recordings.

INJURIES: If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Physical loss of car as salvage, Bodily injuries requiring proposed surgery for recovery, Capricious and misrepresentation of facts by police and state Farm Insurance. Sullivan & Brill Esq. refusal to return the uncashed/unstop/unvoid checks stop IV. RELIEF me from continuing my followup with NYS

State briefly what money damages or other relief you want the court to order. Complaint causing delay.

Pay amount received not to be less than \$500,000 (five hundred thousand dollars) with includes but not limited to: \$100k for Sahara Jeep Wrecker 2022 (NCH), Contingent medical bills \$100k, \$100k loss of income, \$200k in whiplash of additional Contingent liability with permanent conditions. Sullivan & Brill Esq. to return the

Page 6

"Original Check uncashed" in their possession because they already signed a lien release. To either sign the check as "Non Recourse" or return the \$30k to be sent to court as proof.

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

Dated		Plaintiff's Signature	
01/21 th /2022		Kaita	
First Name	Middle Initial	Last Name	
Mohammed		Capodanno	
Street Address	Bld.		
863 Father Richmond, Staten Island, NY		10305	
County, City	State	Zip Code	
Richmond, Staten Island		10305	
Telephone Number	Email Address (if available)		
mohammedkaita87@gmail.com			

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

Yes No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.



**United States District Court
Southern District of New York**

Pro Se (Nonprisoner) Consent to Receive Documents Electronically

Parties who are not represented by an attorney and are not currently incarcerated may choose to receive documents in their cases electronically (by e-mail) instead of by regular mail. Receiving documents by regular mail is still an option, but if you would rather receive them only electronically, you must do the following:

1. Sign up for a PACER login and password by contacting PACER¹ at www.pacer.uscourts.gov or 1-800-676-6856;
2. Complete and sign this form.

If you consent to receive documents electronically, you will receive a Notice of Electronic Filing by e-mail each time a document is filed in your case. After receiving the notice, you are permitted one "free look" at the document by clicking on the hyperlinked document number in the e-mail.² Once you click the hyperlink and access the document, you may not be able to access the document for free again. After 15 days, the hyperlink will no longer provide free access. Any time that the hyperlink is accessed after the first "free look" or the 15 days, you will be asked for a PACER login and may be charged to view the document. For this reason, *you should print or save the document during the "free look" to avoid future charges.*

IMPORTANT NOTICE

Under Rule 5 of the Federal Rules of Civil Procedure, Local Civil Rule 5.2, and the Court's Electronic Case Filing Rules & Instructions, documents may be served by electronic means. If you register for electronic service:

1. You will no longer receive documents in the mail;
2. If you do not view and download your documents during your "free look" and within 15 days of when the court sends the e-mail notice, you will be charged for looking at the documents;
3. This service does *not* allow you to electronically file your documents;
4. It will be your duty to regularly review the docket sheet of the case.³

¹ Public Access to Court Electronic Records (PACER) (www.pacer.uscourts.gov) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts, and the PACER Case Locator over the internet.

² You must review the Court's actual order, decree, or judgment and not rely on the description in the email notice alone. See ECF Rule 4.3

³ The docket sheet is the official record of all filings in a case. You can view the docket sheet, including images of electronically filed documents, using PACER or you can use one of the public access computers available in the Clerk's Office at the Court.

500 PEARL STREET | NEW YORK, NY 10007
300 QUARROPAS STREET | WHITE PLAINS, NY 10601

PRO SE INTAKE UNIT: 212-805-0175

CONSENT TO ELECTRONIC SERVICE

I hereby consent to receive electronic service of notices and documents in my case(s) listed below. I affirm that:

1. I have regular access to my e-mail account and to the internet and will check regularly for Notices of Electronic Filing;
2. I have established a PACER account;
3. I understand that electronic service is service under Rule 5 of the Federal Rules of Civil Procedure and Rule 5.2 of the Local Civil Rules, and that I will no longer receive paper copies of case filings, including motions, decisions, orders, and other documents;
4. I will promptly notify the Court if there is any change in my personal data, such as name, address, or e-mail address, or if I wish to cancel this consent to electronic service;
5. I understand that I must regularly review the docket sheet of my case so that I do not miss a filing; and
6. I understand that this consent applies only to the cases listed below and that if I file additional cases in which I would like to receive electronic service of notices of documents, I must file consent forms for those cases.

Civil case(s) filed in the Southern District of New York:

Note: This consent will apply to all cases that you have filed in this court, so please list all of your pending and terminated cases. For each case, include the case name and docket number (for example, John Doe v. New City, 10-CV-01234).

Kaita, Mohammad			
Name (Last, First, MI)			
863	Father	Capodanno Blvd, Staten Island	NY 10305
Address	City	State	Zip Code
929-314-6915	/	347-283-3674	
Telephone Number	E-mail Address		
01/24 th /2023	Signature		
Date			

Return completed form to:

Pro Se Intake Unit (Room 200)
500 Pearl Street
New York, NY 10007

"Exhibit A"

KATHY HOCHUL
Governor



ADRIENNE A. HARRIS
Superintendent

Mohammed Keita
863 Father Capodanno Blvd.
Staten Island, NY 10305

March 14, 2024

RE: Dept. File #: CSB-2023-01539427
Your Complaint Against: State Farm General Insurance Co

Dear Mohammed Keita:

This will refer to the complaint you filed with this Department.

The company has submitted a letter to the Department of Financial Services outlining their position, a copy of which we are enclosing for your review.

We recommend that you contact the insurance company representative in the attached letter and comply with their request to resolve your claim.

If you are still not satisfied with the offer amount of your claim, your only alternative is to pursue this matter in a court of competent jurisdiction.

Based on the above, our files will be marked accordingly.

Sincerely,

C.W. Wang

ChengWei Wang
Financial Services Examiner 1, Consumer Assistance Unit
212-480-4729
212-480-6282 (Fax)

Enclosure

"Exhibit B"



July 11, 2023

State of New York
Department of Financial Services
Insurance Division
One State Street Plaza
New York, NY 10004

State Farm Insurance Companies
PO Box 2320
Bloomington, IL 61702-2320

Re: DOI File Number:
Complainant: Mohammed Keita
Claim Number: 32-43H7-93F
Date of Loss: December 21, 2022
Policy Number:
Company Name: State Farm Mutual Automobile Insurance Company
NAIC: 25178
Policy Issue Date:

Dear Customer Assistance Unit:

Thank you for the opportunity to respond to the inquiry filed with the State of New York Department of Financial Services by Customer Assistance Unit. We look forward to addressing these questions.

Our insured was involved in an accident with Mohammed Keita where the facts and versions were conflicting. Mr. Keita filed a prior complaint with respect to our liability investigation which we have addressed with your office. In summary, Mr. Keita filed suit against our insured representing himself then retained an attorney for whom we are including a copy of the letter or representation.

Through ongoing investigation and negotiations with the complainant's attorney we reached a final settlement of \$30,000.00 and we enclose a copy of the signed release by Mr. Keita. The attorney then sent us a letter stating that he was no longer representing the complainant due to allegations the complainant made to the attorney. The attorney filed a lien for his fees while handling the case. Due to the attorney lien filed we issued a co-payable draft for the \$30,000 to the complainant and Sullivan & Brill, LLP.

We do not believe we can reissue the check without the law firm included until we have documentation that the lien is released. We feel our handling is proper and thank you for allowing us to further review this matter.

If you have any additional questions regarding this matter, please feel free to call Auto Claim Team Manager Dave Bryant at (402) 327-3964. Alternatively, please feel free to contact us through your state's reporting portal (if applicable) or email us at the following address which is for use by regulators only: regulatorycomplaints@statefarm.com.

Sincerely,

Jeremiah Bailey

Providing Insurance and Financial Services

Home Office, Bloomington, IL

Auto Injury Claim Section Manager
State Farm Mutual Automobile Insurance Company

Attachments:

Atty Lien from Mr. Sullivan
Drop LTR from Sullivan
Email from CLMT ATTY to Mohammed
Lien amount from prior atty
Litigation Release and email from DA
Litigation retainer agreement
LOR
Payment issued 117297809J

PAYMENT NO 117567828 J
PAYMENT AMOUNT \$30,000.00
ISSUE DATE 10-10-2023
AUTHORIZED BY TONEY, BRENDA
PHONE (844) 292-8615

"Exhibit C"

CLAIM NO 32-43H7-93F
LOSS DATE 12-21-2022
POLICY NO 2210-536-32B
INSURED BERRIOS, ARMANDO

MOHAMMED KEITA
863 FATHER CAPODANNO BLVD
STATEN ISLAND NY 10305-4040

COVERAGE DESCRIPTION
BODILY INJURY LIABILITY

ON BEHALF OF
KEITA, MOHAMMED

AMOUNT
30,000.00

Photo
"The Original Copy of
This Check is in the
hands of Sullivan & Brill
which has never cash
was sent to the attorney
to sign a release of "Non Resource"
to allow me to continue legal
action since there is a lien release
in Court of
proper Jurisdiction!"

RETAIN STUB FOR RECORDS

■ **State Farm STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY**

AUTO INJURY
INJ B2 OFFICE LI P740NITE

JPMORGAN CHASE BANK, NA 56-1544/441
COLUMBUS, OH

CLAIM NO 32-43H7-93F
LOSS DATE 12-21-2022

INSURED BERRIOS, ARMANDO

117567828 J

DATE 10-10-2023
MM DD YYYY

Pay to the
Order of: MOHAMMED KEITA & SULLIVAN & BRILL, LLP, HIS ATTORNEY

\$****30,000.00

Michael T. Toney
AUTHORIZED SIGNATURE
John G. Farney
AUTHORIZED SIGNATURE

SECURED DOCUMENT WATERMARK APPEARS ON BACK. HOLD AT 45° ANGLE FOR VIEWING

1171756782810 100441154431

77714502011

"Exhibit D"

SULLIVAN & BRILL

110 E. 59TH STREET, FLOOR 23
NEW YORK, NY 10022
TEL 212 566 1000

December 13, 2023

Mohammed Keita
863 Father Capodanno Blvd
Staten Island, NY 10305

Re: Mohammed Keita v. Armando Berrios
Date of Incident: December 21, 2022
Our File No.: 11362533
State Farm Claim No.: 32-43H7-93F

Mr. Keita:

This letter will confirm that the Attorney Lien dated June 28, 2023 that we filed in the above captioned matter has been satisfied and the lien is hereby withdrawn.

Thank you for your attention to this matter.

Very Truly Yours,

SULLIVAN & BRILL, LLP


By: Joseph F. Sullivan, Esq.

Enc.

"Exhibit E"

ATTORNEY GRIEVANCE COMMITTEE

ROBERT J. ANELLO
ABIGAIL T. REARDON
CHAIRS

TINA M. WELLS
MILTON L. WILLIAMS, JR.
VICE CHAIRS

STATE OF NEW YORK
SUPREME COURT APPELLATE DIVISION
FIRST JUDICIAL DEPARTMENT
180 MAIDEN LANE - 17TH FLOOR
NEW YORK, NEW YORK 10038
(212) 401-0800
EMAIL: AD1-AGC@NYCOURTS.GOV

JORGE DOPICO
CHIEF ATTORNEY

DEPUTY CHIEF ATTORNEY
ANGELA CHRISTMAS
KEVIN P. CULLEY
NAOMI F. GOLDSTEIN
VITALY LIPKANSKY
RAYMOND VALLEJO

STAFF ATTORNEYS
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GILLIAN C. GAMBERDELL
KELLY A. LATHAM
JUN H. LEE
NORMA I. LOPEZ
GINA M. PATTERSON
ORLANDO REYES
CHRISTOPHER S. RONK
YVETTE A. ROSARIO
REMI E. SHEA
ERIC SUN

PERSONAL AND CONFIDENTIAL

Mohammed Keita
863 Father Capodanno Boulevard
Staten Island, New York 10035
mohammedkeita87@gmail.com

Sent By Email Only

Re: Matter of Richard A. Shannon, Esq.
Docket No. 2024.1710

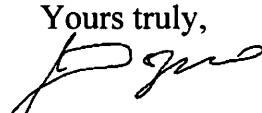
Dear Mr. Keita:

We have received your complaint against the above-named attorney. This attorney's primary address for the practice of law, as reflected in the New York State Office of Court Administration records, is not located in our jurisdiction of Manhattan or the Bronx. Accordingly, we are forwarding your complaint and any accompanying documents to the appropriate grievance committee:

Catherine A. Sheridan, Chief Attorney
Tenth Judicial District
Grievance Committee
150 Motor Parkway, Suite 306
Hauppauge, NY 11788
Sent by email only: AD2-GRV10@nycourts.gov

We will take no further action in this matter.

Thank you.

Yours truly,

Jorge Dopico
Chief Attorney

AC:st
R-OG

Align top of FedEx Express® shipping label here.

ORIGIN ID:LLYA (917) 865-0909
MOHAMMED KEITA
1808 HYLAN BLVD
STATEN ISLAND, NY 10305
UNITED STATES US

SHIP DATE: 15AUG24
ACTWT: 1.10 LB
CAD: 260010010/WSX13600
BILL SENDER

TO UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
225 CADMAN PLZ E

BROOKLYN NY 11201

(718) 613-2665 REF: MOHAMMED KEITA
TRK# 278335901235 DEPT1
TNU: PKG ID: 618130 PDI:

Part # 152097-435 HOW EXP 01/23



FRI - 16 AUG 10:30A
PRIORITY OVERNIGHT

TRK# 2783 3590 1235
E2 EGXA

11201
NY-US EWR



RT 340 10:30 C
F2 B04 1235 08.16
velo
Recycle r

OPEN
8:00 AM - 4:00 PM
* AUG 15, 2014 *
SCHOOL OFFICE